

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

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JEFF HULBERT, ET AL., :  
Plaintiffs, :  
vs. : CIVIL ACTION NO.:  
SERGEANT BRIAN POPE, ET AL., : GLR18-CV-461  
Defendants. :  
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August 23, 2019

Deposition of

JEFF HULBERT,  
a Plaintiff, called for examination by counsel for  
the Defendants, pursuant to Notice, at the Department  
of General Services, 300 West Preston Street, Room 608,  
Baltimore, Maryland 21201, commencing at 9:30 a.m.,  
there being present on behalf of the respective  
parties:

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**Exhibit A**

1 hours notice. That also occurs. Not everything is  
2 structured.

3 Q Now, you referred to your group as a loose  
4 confederation; is that correct?

5 A Yes.

6 Q Tell me the name of your group, or does your  
7 group have a name?

8 A The Patriot Picket.

9 Q And when you say loose confederation, what do  
10 you mean by that?

11 A We don't have any - we're not signed up as a  
12 registered with anyone. We are a - best I could  
13 describe it, it would be a club without a clubhouse.

14 Q And does Patriot - so Patriot Picket -

15 A Yes.

16 Q Or The Patriot Picket --

17 A The Patriot Picket.

18 Q - doesn't have any formal organization; is  
19 that accurate to say?

20 A That would be accurate.

21 Q And who makes up The Patriot Picket?

1       A     The Patriot Picket is populated by folks who  
2 have read about us on online forums, where they can  
3 read a call to show up to demonstrate. And so over the  
4 years we have a kind of a core group of people who do  
5 it, and then we have others who show up. So our  
6 demonstrations can go from a half dozen people to  
7 almost 400 people.

8       Q     And do you have a membership list; does The  
9 Patriot Picket have a membership list?

10      A     No. We don't ask for membership - to keep a  
11 membership list because we think people would like to  
12 contribute their time, and doesn't necessarily want to  
13 be on a list. They would like to respond to a public  
14 call for action. That's what we do. We - we're kind  
15 of an open source. We make calls to demonstrate. And  
16 if you're with us on this idea, then you're welcome to  
17 join us. We give the time, place, and we say often we  
18 have the signs available, messaging ready. If you -  
19 and we often print pictures of our signs, sometimes in  
20 advance. And we say if you would like to join us, we  
21 welcome you to do that.

1           Q     So there's no qualification to be a member of  
2 The Patriot Picket?

3           A     I would say people self qualify.

4           Q     Now, looking at the list of highlighted  
5 demonstrations in exhibit 1, in answer to interrogatory  
6 16, which if any of those highlighted demonstrations  
7 were conducted by or with The Patriot Picket group?

8           A     I would say all of them. We are the core  
9 that has - that creates the time, place, location,  
10 guidance, instruction, where to park, how long we'll be  
11 there. And a lot of that emanates from me, as the  
12 founder of the group.

13          Q     Now, this lawsuit that you filed concerns a  
14 couple of events, one of which occurred - a series of  
15 events, some of the events occurred on February 5,  
16 2018, and some occurred on February 6, 2018; is that  
17 accurate?

18          A     Yes.

19          Q     Now, I want to first concentrate on the  
20 events of February 5, 2018. If you could draw your  
21 attention to that date. Was February 5, 2018, a day in

1 which you and The Patriot Picket conducted a man up  
2 demonstration in Annapolis?

3 A That's my recollection.

4 Q And was the demonstration conducted on the  
5 sidewalk adjacent to Lawyer's Mall, at the intersection  
6 that you previously described?

7 A Yes. It would have in common with all our  
8 demonstrations as occurring on a public sidewalk.

9 Q And what time did you arrive at the  
10 demonstration site, on February 5?

11 A I don't recall the exact time. But it would  
12 be in the area I believe between five and six o'clock.

13 Q And what were your plans for that evening of  
14 demonstrations?

15 A We brought our messaging. We invited people  
16 to join us. And we had a crew of about eight people  
17 with signs, and we were going to message whoever was  
18 going to be in front of us.

19 Q And what do your demonstrations for Man up  
20 Monday usually consist of?

21 A I don't understand the question.

1 Q Well, what do you do as The Patriot Picket  
2 during a Man up Monday demonstration?

3 A We demonstrate for constitutional principles.  
4 Our belief is that government needs to follow  
5 constitutional principles, and we are very active in  
6 that.

7 Q And let me say that I'm not asking you to  
8 describe the subject of your demonstration at this  
9 point.

10 A Uh-huh.

11 Q I'm more interested in the pragmatic details  
12 of how your group conducts a demonstration. You said  
13 earlier that you would have signs ready; is that right?

14 A Yes.

15 Q So having that further explanation, can you  
16 tell me what your demonstrations on Man up Monday  
17 usually consist of?

18 A People arrive, choose a sign with a message  
19 that comports with a message that they would like to  
20 have politicians or the voters see, take a position on  
21 the public sidewalk. They hear from me as the leader

1 of the group that we're on a public sidewalk, but we  
2 have to be very careful to not impede anyone's ability  
3 to walk on the sidewalk. And by that I mean be careful  
4 with conversations. Our signs are poster size, so I  
5 tell everybody the most important issue for us to be on  
6 the public sidewalk is to do it in a way that gets  
7 messages to the voter, but is unobtrusive in terms of  
8 proceeding on the sidewalk.

9 Q What - do you designate an area for your  
10 group in which they are to remain within during the  
11 demonstration?

12 A The area designates itself. The area that we  
13 stand on has a sidewalk that's been expanded to about  
14 15 to 18 feet in width. Farther down on one side and  
15 farther on the other side the sidewalk goes to what you  
16 might call a normal width that comports with Americans  
17 with Disabilities Act. But the public sidewalk in  
18 front of the curb there on College Avenue is very wide,  
19 and it gives us a lot of latitude, it gives us great  
20 confidence that we're not impeding the public.

21 Q Well, you said that that area of sidewalk has

1 been expanded. On February 5, 2018 --

2 A I don't - I'm not sure it's been expanded. I  
3 say we have found a public sidewalk with a lot of  
4 space.

5 Q If I could remember --

6 A Yes.

7 Q You've got to wait for me to finish my  
8 question even though you know where I'm going.

9 A Yes.

10 Q Let me ask a similar question again. On  
11 February 5, 2018, did you designate a specific area on  
12 the sidewalk where your group was to limit their  
13 demonstration?

14 A Yes.

15 Q And what did you describe to your group as  
16 that area on the sidewalk?

17 A The sidewalk adjacent to the curb at College  
18 Avenue, facing Bladen Avenue.

19 Q Was there any other sidewalk area or other  
20 area that you directed your picketers to walk to or to  
21 cover with your demonstration?

1       A     I tell the folks if they would like to stroll  
2 to use the public sidewalk, as long as they don't  
3 impede, they can take their message a little farther  
4 out if they want. But we like the area where Bladen  
5 Avenue meets College Avenue because we believe we're  
6 seen by the most people and the most legislators.

7       Q     And that intersection is where most  
8 legislators and most people are going to be in  
9 Annapolis between six p.m. and nine p.m. on Mondays,  
10 right?

11      A     I don't know about Annapolis. I think the  
12 intersection near the mall is a busier intersection for  
13 pure numbers of people.

14      Q     But for your purposes, sir?

15      A     For our purposes to be in front of  
16 legislators and voters, we think that's the best place  
17 to be.

18      Q     Aside from carrying signs --

19      A     Yes.

20      Q     - what other activities does The Patriot  
21 Picket conduct during Man up Monday demonstrations?

1           A     It's not unusual for people to sometimes ask  
2 us questions.  We've had legislators come by and stop  
3 and write down the bill numbers of the bills that we're  
4 messaging about, saying - in one case the chairman of  
5 the Judiciary Committee in the House said I need to  
6 take a look at these bills.  Because what we do is  
7 supply messaging and we supply the bill numbers for  
8 anybody who can - sometimes people take pictures.  
9 Legislators will take pictures of them.  And I believe  
10 one reason for that is they want to have a record what  
11 the message is and what the bill number is.  So we're a  
12 full service messaging agency.

13          Q     Do you, as The Patriot Picket, use any  
14 bullhorn or sound magnification devices during your  
15 demonstrations?

16          A     It's happened a couple of times.  The primary  
17 time was the week after my brother and I were arrested.  
18 We had a very large group come.  And I had a bullhorn  
19 to help direct traffic, actually.  One of my jobs on  
20 the night that we had a demonstration marking our  
21 arrest was for me to use a bullhorn to ask people to

1 hold up at the crosswalk so we could let traffic  
2 through. Because we knew we had a lot of people there,  
3 and we were trying to be helpful. Police direct  
4 traffic, but we were also trying to be helpful. And I  
5 use a bullhorn. Generally we don't need to use a  
6 bullhorn. Our issue is our signs bring the message. We  
7 make them so they can be read from across the street.

8 Q On February 5, 2018, during your  
9 demonstration, did you use any bullhorn or sound  
10 magnification devices?

11 A Not that I recall.

12 Q Did you have any other activity that you  
13 conducted aside from people holding signs and walking  
14 in different areas on the sidewalk and across the  
15 streets?

16 A We had conversations with legislators. That  
17 was no different than - February 5 was not different  
18 than any other day. We have conversations, we answer  
19 questions, sometimes we verbally urge legislators to  
20 please take a look at this bill. SO we message and we  
21 converse.

1           A     Yes. I complained about the cuffs. I was  
2 wearing at least two winter coats, because it was a  
3 February night. I told him the cuffs were  
4 uncomfortable because I had a hard time having my hands  
5 pulled behind my back because of the number of layers  
6 of clothing I had on.

7           Q     So the handcuffs went over your clothing; is  
8 that what you're saying?

9           A     Well, the reason they're uncomfortable is  
10 they had to pull my arms back together behind my back  
11 with two large winter coats on, which made the ability  
12 to try to get my wrists together very difficult. But  
13 they forced my hand into handcuffs that were not  
14 articulating handcuffs. I mean, something to know that  
15 they are articulating handcuffs, these were hinged  
16 handcuffs. And I told him I was in pain. He said  
17 you're just going to have to deal with it.

18           Q     Did you say anything else to Sergeant Pope  
19 other than that, at the scene arrest?

20           A     No.

21           Q     Did you say anything else to any other police

1 officer at the scene of the arrest?

2 A I don't recall talking to the police  
3 officers. I made declarations when I was in handcuffs.  
4 I saw somebody videotaping and I made the declaration  
5 as, I don't know why I've been arrested. I'm  
6 demonstrating peacefully on a public sidewalk. So I  
7 don't know why this has happening. Something - some  
8 words to that respect.

9 Q So that you were directing to the public at  
10 large. You weren't directing that to a particular  
11 officer; is that correct?

12 A No. I didn't speak to the officers. I was -  
13 I didn't want to resist or give them any idea that I  
14 was upset with them in any way. So I didn't have any  
15 conversations with them. Any declarations I made were  
16 for bystanders and to people who were videotaping. I  
17 could see them videotaping because I saw the lights on  
18 their video phones.

19 Q Well, you mentioned earlier that your brother  
20 was taking a videotape?

21 A Yes.

1 Q A recording?

2 A Yes.

3 Q And that that still exists. And you  
4 mentioned, aside from that, still photographs which  
5 have been uploaded to a website?

6 A Yes.

7 Q Now you're mentioning that there is an  
8 alternative or an additional recording going on at the  
9 time of your arrest?

10 A Yeah. We later learned it was news media.  
11 There was a - Bryan Sears of I believe the "Maryland  
12 Reporter" saw the commotion because there were eight  
13 police cars, about eight, six to eight police cars with  
14 their lights engaged, no sirens, but lights engaged,  
15 basically clogging the intersection where it appeared a  
16 mass arrest was underway. I understand from his  
17 reporting that he saw the commotion and started his  
18 video camera, I believe at the point where I was  
19 already in handcuffs.

20 Q Have you ever seen that recording?

21 A I saw it at commensurate with the time it

1 happened.

2 Q Explain that to me?

3 A I saw it when - when he recorded it and put  
4 it online, I watched it. And I saw my declaration that  
5 I didn't understand why I was being arrested when I was  
6 on a public sidewalk.

7 Q And what website would that be found in?

8 A You'd have to look it up. His name is Bryan  
9 Sears, BRYAN, Sears, as in Sears and Roebuck.

10 MR. McCARTHY: would that be The Daily  
11 Record?

12 THE WITNESS: I believe so. But at this  
13 point the media tends to run together a little bit. But  
14 it's Bryan Sears took that video.

15 BY MR. FREDRICKSON:

16 Q And after the arrest you were transported to  
17 Annapolis City Police Precinct; is that correct?

18 A I didn't know where they were taking me. But  
19 that's where I now understand I ended up.

20 Q And do you recall how long that transport  
21 took between Lawyer's Mall area and the Annapolis City

1 Police Precinct?

2 A It seemed to take forever because I was in  
3 pain. I had my handcuffs cuffed behind me. And I  
4 complained again that I was in pain. And I don't  
5 recall - I now know the distance to where I was taken.  
6 I knew where I was basically after I was released. And  
7 that was about, I would say a mile or two, I don't  
8 know, a mile-and-a-half, two miles from where I was  
9 arrested.

10 Q And what happened at the Annapolis City  
11 Police Precinct?

12 A We were sat on a metal bench. And they took  
13 the one handcuff off me and they locked me to the metal  
14 bench.

15 Q And when you saw we, you mean you and your  
16 brother, Kevin?

17 A My brother, Kevin, was sitting next to me. He  
18 was transported in a different vehicle, but we boh  
19 eventually were brought to the same area.

20 Q And do you know why you were handcuffed to  
21 the bench?

1 A No.

2 Q Did you have any communication or interaction  
3 with Sergeant Pope at the Annapolis City Police  
4 Precinct?

5 A Don't recall any.

6 Q Do you know if your brother had any  
7 interaction or communication with Sergeant Pope at the  
8 Annapolis City Police Precinct?

9 A Not that I recall.

10 Q Do you recall anything that Sergeant Pope  
11 communicated to you while you were in the Annapolis  
12 City Police Precinct?

13 A He asked for my personal information to fill  
14 out a citation.

15 Q And were you eventually given a citation by  
16 Sergeant Pope?

17 A Yes.

18 Q And were you released immediately thereafter?

19 A We were there probably an hour.

20 Q Yes. But as far as the timing of your  
21 release, were you released immediately after you

1 received the citations from Sergeant Pope?

2 A My recollection is we received our citations,  
3 and then we had to wait a few minutes for somebody to  
4 walk us upstairs. And my recollection, we had to go  
5 up a flight of stairs to a public lobby.

6 Q And when were your handcuffs removed when you  
7 were at the Annapolis City Police Precinct building?

8 A Not until just before my citation was handed  
9 to me.

10 Q So when you walked upstairs you didn't have  
11 handcuffs on?

12 A No.

13 Q Did Sergeant Pope cause you to be injured  
14 during your arrest on February 5, 2018?

15 A Yes.

16 Q And what injuries did you sustain?

17 A I sustained wrist abrasions and muscle cramps  
18 as a function of having my arms forcefully pulled  
19 behind my back and put into handcuffs that did not  
20 allow any movement, despite the fact that I asked for  
21 some relief. Because I told them, I'm wearing two

1 winter coats, and you've cuffed my hands behind my  
2 back. My wrists don't really meet, except you forced  
3 them together to handcuff me. And could I get some  
4 relief? And I was never accommodated in any way.

5 Q Did you seek any medical treatment for those  
6 injuries?

7 A No.

8 Q Have you ever discussed those injuries with  
9 any health care provider?

10 A Not that I recall.

11 Q Did any other police officer cause you any  
12 injury during your arrest of February 5, 2018?

13 A There was another - the officer --

14 MR. HANSEL: Let me just clarify. You're  
15 asking about physical injury, obviously, not mental  
16 pain and suffering?

17 MR. FREDRICKSON: Any injury.

18 MR. HANSEL: So to both, so physical or  
19 mental pains? Okay.

20 THE WITNESS: Well, the second officer, I  
21 asked him would he - my recollection, would you remove